

WILLIAM L. JUSKA, JR.
JAMES L. ROSS*
ERIC E. LENCK
JOHN J. WALSH*
PATRICK J. BONNER*
PETER J. GUTOWSKI
MARK F. MULLER
WAYNE D. MEEHAN*
DON P. MURNANE, JR.△
THOMAS M. RUSSO
THOMAS M. CANEVARI†
MICHAEL FERNANDEZ*
JOHN F. KARPOUSIS*△
MICHAEL E. UNGER*†
WILLIAM J. PALLAS*
GINA M. VENEZIA*△
LAWRENCE J. KAHN*
JUSTIN T. NASTRO*
MANUEL A. MOLINA
DANIEL J. FITZGERALD*†△
BARBARA G. CARNEVALE*
JAN P. GISHOLT†
SUSAN LEE*
EDWARD J. CARLSON
ERIC J. MATHESON*
MICHAEL D. TUCKER*

LAW OFFICES OF
FREEHILL HOGAN & MAHAR LLP
80 PINE STREET
NEW YORK, N.Y. 10005-1759

TELEPHONE (212) 425-1900

FACSIMILE (212) 425-1901

E-MAIL: reception@freehill.com

www.freehill.com

NEW JERSEY OFFICE
549 SUMMIT AVENUE
JERSEY CITY, N.J. 07306-2701
TELEPHONE (973) 623-5514
FACSIMILE (973) 623-3813

CONNECTICUT OFFICE
246 MARGHERITA LAWN
STRATFORD, CT 06615
TELEPHONE: (203) 921-1913
FACSIMILE (203) 358-8377

OF COUNSEL
GEORGE B. FREEHILL

September 9, 2013

Our Ref: 796-08/GMV

****Redacted Version****

Letter Motion for Adjustment in Briefing Schedule

* ALSO ADMITTED IN NEW JERSEY
† ALSO ADMITTED IN CONNECTICUT
△ ALSO ADMITTED IN WASHINGTON, D.C.
° ALSO ADMITTED IN LOUISIANA

Via ECF

Hon. Robert P. Patterson
United States District Judge
500 Pearl St.
New York, NY 10007-1312

Re: Levin v. Bank of New York
09-cv-5900 (RPP)(MHD)

Dear Judge Patterson,

We represent Third-Party Defendant [REDACTED] in connection with the above-referenced matter.¹ As the Court may recall from the August 20 conference, we are involved in an ongoing issue with Third-Party Defendant [REDACTED] concerning [REDACTED] claim to be reimbursed its attorney's fees incurred in this litigation out of the [REDACTED] funds that were a subject of this litigation. The Court gave the parties until September 9 to try and resolve their dispute, failing which [REDACTED] can file a motion submitting the dispute to the Court for adjudication. We are writing to request a three (3) day extension of that deadline which would give the parties until September 12 to attempt resolution. This is the first request for an adjournment, and no other deadlines would be impacted by the adjournment. The reason for the request is as follows.

Since the August 20 conference, the parties have been discussing the matter, and last Friday (September 6), [REDACTED] produced a new document on which it intends to rely for its argument and also produced copies of the disputed invoices. Given the time difference with Singapore (where both clients are located) and the fact that this material was new and provided just last Friday, there has been insufficient time to consider [REDACTED] new argument, receive client input, and respond by today. As such, to allow the parties a few extra days to see if they may be

¹ A redacted version of this letter will be filed on ECF.

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able to resolve this dispute, we respectfully request an extension of three (3) days of the September 9 deadline. If the parties are unable to resolve their dispute, then [REDACTED] motion would be due this Friday on September 13.

Counsel for [REDACTED] has advised that [REDACTED] consents to this request.

We thank the Court for its time and attention.

Respectfully,
FREEHILL HOGAN & MAHAR LLP


Gina M. Venezia

GMV:mjg

Cc: **Via Email**

Counsel for [REDACTED]

Drew Harker (Drew.Harker@aporter.com)
Steffen Jacobsen (Steffen.Jacobsen@aporter.com)
Arnold & Porter LLP

Counsel for BNY Mellon

J. Kelley Nevling (knevling@llf-law.com)
Steven B. Feigenbaum (sfeigenbaum@llf-law.com)
Levi Lubarsky & Feigenbaum LLP

Counsel for Plaintiffs/Judgment Creditors

pgunay@salonmarrow.com; lvogel@salonmarrow.com; rjt@tolchinlaw.com;
kfleischman@fleischmanlawfirm.com; jwkarr@msn.com; carlpers@ix.netcom.com;
ferrisbond@bondandnorman.com; njnudelman@hnklaw.com; annie.kaplan@gmail.com;
'dhowarth@howarth-smith.com'; 'ssmith@howarth-smith.com';
'Richard.kremen@dlapiper.com'; 'David.misler@dlapiper.com';
'cmechling@stroock.com'; 'lboyd@srbr-law.com'; 'barbara.seniawski@dlapiper.com';
'annie.kaplan@gmail.com'; 'kfleischman@fleischmanlawfirm.com';
bweatherslowin@stroock.com; dale.cathell@dlapiper.com;